

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MALIK ROBERTSON,

Petitioner,

v.

9:04-CV-946

DALE ARTUS,

Respondent.

APPEARANCES:

OF COUNSEL:

MALIK ROBERTSON
01-B-2810
Auburn Correctional Facility
P.O. Box 618
Auburn, NY 13024
Petitioner Pro Se

HON. ANDREW M. CUOMO
Attorney General for the
State of New York
120 Broadway
New York, New York 10271
Counsel for Respondent

PRISCILLA I. STEWARD
Assistant Attorney General

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed on the 6th day of February, 2008. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.
2. The petition for a writ of habeas corpus filed by petitioner is denied and dismissed.

Because Petitioner has failed to make a substantial showing of a denial of a constitutional right, a certificate of appealability will not be issued.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: February 27, 2008
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge